

10/521313 #4

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85741

Joon Youb LEE, et al.

Appln. No.: 10/521,313

Group Art Unit: not yet assigned

Confirmation No.: 9295

Examiner: not yet assigned

Filed: January 14, 2005

For: HER-2 NEU DNA VACCINE HAVING ANTI-CANCER ACTIVITY

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR  
AMINO ACID SEQUENCE DISCLOSURES**

**MAIL STOP SEQUENCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This response is in regard to the NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, dated April 26, 2005, issued in the above-referenced patent application.

In the Notification to Comply, the Office states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825. The Office further states that Applicants must provide, in addition to a corrected sequence listing, (1) a computer readable copy of the Sequence Listing as required by 37 C.F.R. § 1.821(e), and (2) a statement that the content of the sequence listing information recorded in computer readable form is identical to the written, paper version of the sequence listing information.

Response To Notification To Comply  
With Sequence Disclosure Requirements  
USSN 10/521,313

Accordingly, Applicants include herewith a paper copy and computer readable form copy of a substitute Sequence Listing, a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825, and a copy of the Notification to Comply.

The substitute Sequence Listing adds an “a” at position 51 of SEQ ID NO:1, which was inadvertently omitted in the prior sequence listing. Applicants are filing, concurrently, a certified copy of Korean Application 2003-0038012, to which the present application claims priority. At page 73-62 of the priority document, SEQ ID NO:1 contains the inadvertently omitted “a” at position 51. Further, Applicants have deleted, in the substitute Sequence Listing, the number “1”, which was inadvertently inserted at line 767 of the prior sequence listing.

No new matter has been introduced, and Applicants respectfully request entry of the substitute Sequence Listing into the pending application.

Applicants assert that this Response to the Notification to Comply and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Response To Notification To Comply  
With Sequence Disclosure Requirements  
USSN 10/521,313

Applicants respectfully request that the Examiner acknowledge that the Substitute  
Sequence Listing in the present application meets the requirements of 37 C.F.R. §§1.821-1.825.

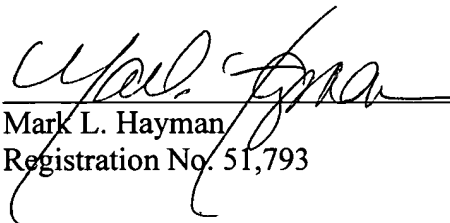
Respectfully submitted,

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
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Date: June 27, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,313	Joon Youb Lee	Q85741

INTERNATIONAL APPLICATION NO.
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PCT/KR03/01400

I.A. FILING DATE	PRIORITY DATE
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07/15/2003

07/16/2002

23373  
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DOCKETED

MAY - 2 2005

CONFIRMATION NO. 9295

371 FORMALITIES LETTER



\*OC000000015860507\*

Date Mailed: 04/26/2005

## NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,313	PCT/KR03/01400	Q85741

FORM PCT/DO/EO/922 (371 Formalities Notice)